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WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Preparatory Committee
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REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Sikh Human Rights Group

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

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*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.



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ENG

The Draft Declaration and Programme of Action for the World Conference are commendable documents, which reflect many of the Sikh Human Rights Group's previously expressed concerns and proposals. However the Draft Declaration needs to address further affirmation of the concept of diversity.

SHRG supports the position that all humanity is one and classifications are mostly artificial constructs that have emerged with the use of cultural and political designs to exclude and dominate. We question the current basis of terms such as race, racism and racial discrimination and consider that a more thorough analysis needs to be pursued to unravel the multiple definitions conflated within these terms.

To this end, we propose that the Draft Declaration include a statement recognising that race as a concept has for too long been defined by reference to colonial attitudes and reactions to those attitudes, including reactions by the victims of racism whose struggle for equality has been defined in terms of achieving equality with the perpetrators in terms defined by the perpetrators, and that there is a need to refocus our understanding of race in terms of cultural diversity by drawing on the essential equality and dignity of all human beings and cultures. Such an approach better recognises the importance of cultural identity to the fulfilment of individual freedoms. Only if individuals are fully able to give expression to their cultural identity will their spiritual and social development as individuals within a world community be fully achieved.

Nevertheless we acknowledge, with some reservation, that the classical terminology of race has come into common usage and states and communities have adopted it as a language of classification and social interaction. We therefore address our concerns and proposals with all this in mind.

There exists considerable literature on cultural diversity and culture as an integral part of racial distinction, but very little has been done to incorporate this knowledge into the legal practices of states. Legal systems in many countries around the world tend to treat race as a biological issue. In this sense, government policies have changed to accommodate colour and to some extent descent but not the respect and active

protection of people's cultural identities. Indeed, many ethnic groups, refugees, asylum seekers and trafficked people around the world still experience discrimination in their everyday life and minimal or no protection against such violations. In particular, cultural practices of many groups are treated as religious matters outside the scope of the discourse on race.

With the creation of an ambiguous definition of race, there follows an attempt to tailor it in a manner that suits political interests. Cultural discrimination is usually considered under legislation for the protection of religion rather than legislation designed to combat race discrimination. In many countries however, such protection of culture has not existed. Hence, ethnic groups such as the Sikhs still face discrimination in places of employment and social interaction because of their cultural practices such as maintaining of the 5 Ks and particularly kara, kirpan, and the kesh. Such limited protection as they have received against discrimination as in the U.K. has not been through discourse of cultural rights but in the straitjacket of race.

If we are to adopt the current terminology of race in common usage we have to accept that race and culture are intimately related. Culture is an integral part of social identity and its respect is crucial for the equal and peaceful co-existence of different peoples. Nevertheless, cultural prejudice manifests itself with the use of stereotypes such as those that label people with a distinct cultural identity as 'orthodox' or 'fundamentalist'. Without a remedy against acts of cultural discrimination and exclusion, in places of social interaction, institutions and the media, these types of abusive practices become institutionalised. In this way they become legitimate.

Discrimination and racism occur primarily because people are fearful of 'the different' or because they wish to preserve particular relations of power by exclusion or exploitation. In this sense, people that come from different cultures are perceived as a threat to what is thought to be a 'homogenous national culture'. Diversity is perceived as a threat because homogeneity is treated as an indication of 'normality' while diversity is seen as a result of the 'invasion' of the different into the 'homogenous' whole. However, a thorough look into human history and today's world can convince people that diversity and not homogeneity is the starting point of a dynamic process that involves a wide variety of perspectives, ways of life, individual and communal identities and economic-political circumstances that blend together and change through time. If such an approach is adopted diversity will cease to be labeled as a threat and will be approached as an opportunity for the equal and peaceful co-existence of different peoples. Indeed as the Draft Declaration has suggested and our own brief declaration proposes, world history is the richer for this diversity.

Within the discourse on racism and discrimination, cultural diversity is encouraged through the act of 'tolerance'. Yet, this approach does not necessarily promote the co-existence of different cultures on an equal basis. The concept of 'tolerance' suggests merely a political recognition and accommodation of different ways of being while still presupposing cultural homogeneity of the 'nation-state' and integration of the minority cultures into the 'tolerant' majority culture. We suggest, as an alternative to the passive practice of 'tolerance', that there be active implementation of the more inclusive and dynamic concept of 'diversity' that promotes respect for diverse

cultures and protection of their rights on the basis of universal human rights principles.

SHRG maintains the belief that cultural diversity is the key to future peace and prosperity amongst peoples and states. It emphasises the need to actively promote cultural diversity in state policies as a way of dealing with racial discrimination, intolerance and xenophobia. SHRG hopes that the High Commissioner will review the approach of cultural diversity through 'tolerance' in favour of the more active and equalitarian alternative of the direct promotion of cultural diversity.

In support of these aims we propose in particular:

- That the numbered para 4 of the Draft Declaration be amended whether by renumbering or other suitable device so as to include the italicised words immediately before and after the current text:

We also note that 'race' has for too long been defined by reference to colonial attitudes and reactions to those attitudes and there is a need to refocus our understanding of cultural diversity by drawing on the essential equality and dignity of all human beings and cultures.

For too long diversity has been treated as threat rather than gift, and too often that threat has been expressed in racial contempt and conflict, in exclusion, discrimination and intolerance. We must refocus our understanding, discern in diversity of race and culture the potential for mutual enrichment, and realize that it is the interchange between great traditions of human spirituality that offers the best prospect for the human spirit itself. **Vision Statement**

Realisation of such potential requires the recognition and protection of the cultural identities through which individuals find fulfilment and personal development, always bearing in mind that cultures should not themselves be allowed to erode or limit the development of individual rights.

- That the numbered para 18 of the Draft Declaration include discrimination on the basis of culture.
- That the numbered para 22 of the Draft Declaration be amended to read:

*We recognise the particularly damaging effects of institutional discrimination to the development of an equal and diverse society and the corresponding importance of national institutions for the promotion and protection of human rights and ombudsman institutions in the struggle against racism, racial discrimination, xenophobia and related intolerance, and reaffirm the need for such entities to be established where they do not exist. We further call upon the authorities and society in general in those countries where they are performing their tasks of protection and prevention to co-operate to the maximum extent possible; **Regional Conference, Santiago Cf. Regional Conference, Tehran.***